

JAN 24 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. A. Walker Bingham
General Attorney
Abex Corporation
530 Fifth Avenue
New York, New York 10036

Dear Mr. Bingham:

This is in regard to your letters of September 13 and November 19, 1982, in which you discussed the Abex Plant at 6600 Ridge Avenue, St. Louis, Missouri. In your letter you requested that the Part A Application for Interim Status be withdrawn based on your opinion that the facility (MOD031003767) was previously classified incorrectly as a transporter, treatment or disposal facility (TSD).

A Resource Conservation and Recovery Act (RCRA) Compliance Inspection was performed at the subject facility on August 6, 1981, by the Missouri Department of Natural Resources (MDNR). At that time Mrs. Mary Bill, Acting Works Manager, submitted to MDNR analytical results dated June 1, 1981, from samples collected from the facility's potential waste streams. The results of these analyses indicated that none of the waste streams exhibited the EP Toxicity characteristic of a hazardous waste. Mrs. Bill stated "the five Subpart C wastes were registered based on earlier tests run last year".

Based upon our review of the files for the subject facility there is not adequate information to determine that the facility is not a TSD. In order for the U.S. Environmental Protection Agency (EPA) to make such a determination you are hereby required, pursuant to Section 3007 of RCRA, 42 U.S.C. 6927, to provide the following information:

1. The earlier test results run during 1980, referred to by Mrs. Bill during the August 6, 1981, inspection. Also account for the difference between test results. Changes in operations of the facility since August of 1980, and the date they occurred.
2. An explanation as to why the Notification of Hazardous Waste Activity, dated July 28, 1980, identified a hazardous waste designated as P064 and such waste was not included in the Part A application dated November 12, 1980.
3. A detailed description of the current operational status of the facility, including any process changes that may have occurred since the submittal of the Part A application.

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RCRA RECORDS

This information must be submitted to Mr. Don Sandifer, Air and Waste Compliance Branch, U.S. Environmental Protection Agency, Region VII, 324 East Eleventh Street, Kansas City, Missouri 64106, within 15 days of receipt of this letter. Please note that failure to respond to this letter within the time period specified may subject you to enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928.

Situations [including responses to requests under the Freedom of Information Act (FOIA), 5 U.S.C. §552] may arise in which EPA will be required to make an initial determination of whether business information, submitted pursuant to this letter, is entitled to confidential treatment for reasons of business confidentiality.

If desired, you may assert a business confidentiality claim covering part or all of the information submitted, in the manner described in 40 C.F.R. §2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by the means of the procedures set forth in Subpart B of 40 C.F.R. Part 2 [41 Fed. Reg. 36902 et seq. (1976), as amended at 43 Fed. Reg. 40000 et seq. (1978)]. If no such claim accompanies the information when it is received by EPA, it may be made available to the Public by EPA without further notice to the business.

To assert a confidential business information claim, you must furnish the following information for each item so claimed:

1. The period of time for which confidential treatment is desired by the business.
2. Measures taken by the business to guard against undesired disclosure of information to others.
3. Whether the company intends to continue to take such measures.
4. The extent to which the information has been disclosed to others and the precautions taken in connection therewith.
5. Whether the submitted material has or has not been reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding).
6. Whether the submitted material is publicly available elsewhere.
7. Pertinent confidentiality determinations, if any, by EPA or other Federal Agencies, and a copy of any such determination or reference to it, if available.

8. Whether disclosure of the information would likely result in substantial harmful effects on the business' competitive position, and if so what those harmful effects would be, why they should be viewed as substantial, and an explanation of the casual relationship between disclosure and such harmful effects.

If you have any questions concerning this matter, please feel free to contact Mr. Don Sandifer at 816/374-7133.

Sincerely yours,

Morris Kay
Regional Administrator

cc: Art Groner
Missouri Department of Natural Resources

Sandifer:rm:AWCS

Disk 10